

### **REMARKS**

Applicant respectfully requests that the Examiner consider the amendments presented herein and the following remarks.

### **Pending Claims**

Applicant recently recognized that claim 14 was inadvertently omitted from the subject application. Therefore, only 19 total claims are pending – claims 1-13 and 15-20. It appears that the Examiner also failed to recognize Applicant's omission of claim 14 since the Office Action indicates claims 1-20 as the pending claims. In light of this, Applicant will treat any reference by the Examiner to claims 1-20 as claims 1-13 and 15-20.

### **Summary of Office Action**

In the Office Action dated August 9, 2005, the Examiner provisionally rejected claims 1-13 and 15-20 under 35 U.S.C. § 101 for statutory-type double patenting based on Applicant's co-pending U.S. Application No. 10/758,447.

### **Rejection under 35 U.S.C. § 101**

Pursuant to 37 C.F.R. § 1.138, Applicant has expressly abandoned its co-pending U.S. Application No. 10/758,447. A copy of the Express Abandonment is enclosed for your review. Based on the filing of this Express Abandonment, the Examiner's rejection of claims 1-13 and 15-20 is now moot and, therefore, should be withdrawn.

### **Amendments to the Claims**

By amendment, Applicant has added new claims 14 and 21-33. New claim 14 depends from independent claim 12 and further defines the invention claimed therein.

New claims 21-26 substantially correspond to claims 1-3 and 6-8, respectively, of U.S. Patent No. 6,786,847 issued to Morgan et al. ("the '847 patent"), which was cited by Applicant to the Examiner in a Supplemental Information Disclosure Statement filed on August 16, 2005. Applicant represents that new claims 21-26 do not introduce new matter as they are fully supported by the specification and drawings of the subject application. For the Examiner's convenience, Applicant provides the following table that indicates at least some of the support in the specification and drawings of the subject application for these claims:

Claims	Support in Specification and Drawings/Other Support
<p>21. A physical exercise/therapy apparatus comprising:</p> <p style="padding-left: 40px;">a bed support, including an inclined surface,</p> <p style="padding-left: 40px;">a bed support first end that is supported on a floor and</p> <p style="padding-left: 40px;">a bed support second end;</p> <p style="padding-left: 40px;">a vertically oriented support</p> <p style="padding-left: 40px;">that receives, holds and allows rotation of the bed support second end</p> <p style="padding-left: 40px;">so that the bed support is held at a selected incline angle <math>\Theta</math> relative to the floor;</p> <p style="padding-left: 40px;">a user support bed that supports a user and that moves along the bed support between the bed support first end and the second bed support end;</p> <p style="padding-left: 40px;">a command processor, located adjacent to or on the support bed,</p> <p style="padding-left: 40px;">to receive and implement a command for a change in at least one control parameter associated with an exercise/therapy workout by the user; and</p> <p style="padding-left: 40px;">a vertical translation mechanism, associated with the vertical support, that translates the bed support second end along the vertical support by a selected amount</p> <p style="padding-left: 40px;">in response to receipt of an electronic signal from the command processor,</p> <p style="padding-left: 40px;">without requiring that the user dismount from the support bed and without requiring that the user interrupt an exercise/therapy workout.</p>	<p>¶¶ 13-16, 29, 38; Figs. 1-2; the rail(s) 115/120 act as a support for the user support platform</p> <p>¶ 21; Figs. 1-2; the term “platform” is synonymous with the term “bed”</p> <p>¶ 14; Fig. 1</p> <p>¶ 13; Figs. 1-4</p> <p>¶¶ 14, 29; Figs. 1-2</p> <p>¶ 23; Figs. 1-2</p> <p>¶ 17; Figs. 1-2</p> <p>¶¶ 30-34; the input device permits the user to issue a command and is configured to implement such a command by generating a control signal</p> <p>¶¶ 30-34; the at least one control parameter includes the adjustment of the inclination angle to vary resistance</p> <p>¶¶ 22, 29; Figs. 3-4; the actuation mechanism 300 changes the vertical position of the second end of the rail(s) 115/120 relative to the vertical support member 105</p> <p>¶¶ 30-31</p> <p>¶¶ 39-40</p>
<p>22. The apparatus of claim 21, wherein the at least one control parameter is a measure of physical resistance associated with the workout.</p>	<p>¶ 23</p>
<p>23. The apparatus of claim 22, wherein the at least one control parameter is the incline angle <math>\Theta</math>.</p>	<p>¶¶ 23, 38-40</p>
<p>24. The apparatus of claim 21, wherein the command processor issues at least one electronic signal for the change in the at least</p>	<p>¶¶ 30-34</p>

Claims	Support in Specification and Drawings/Other Support
one control parameter in response to at least one of (i) manual entry by the user of the command and (ii) receipt of a voice command from the user.	
25. The apparatus of claim 21, wherein the command processor issues at least one electronic signal for the change in the at least one parameter without requiring receipt of a manual entry and without requiring receipt of a voice command from the user.	¶ 35
26. The apparatus of claim 21, wherein the user support bed includes one or more weight bars that receive and hold one or more weights thereon.	¶ 23

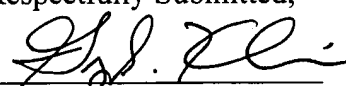
New claims 27-32 also substantially correspond to claims 1-3 and 6-8, respectively, of the '847 patent. These claims are substantially similar to claims 21-26, with the exception of certain claim terms. Applicant represents that new claims 27-32 also do not introduce new matter as they are fully supported by the specification and drawings of the subject application for substantially the same reasons as discussed above with respect to claims 21-26. Accordingly, for the sake of brevity, Applicant will omit a discussion of support for claims 27-32.

New claim 33 is another independent claim that defines the invention described in the specification and illustrated in the drawings of the subject application. This claim is fully supported by the specification and drawings of the subject application.

### **Conclusion**

The Commissioner is hereby authorized to charge any necessary additional fees, or credit any overpayment, to Deposit Account No. 02-2051, referencing Docket No. 23156-151.

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